

ENTERED

June 16, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSEPHINE REED,	§	CIVIL ACTION No
Plaintiff,	§	4:21-cv-01907
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
ERNEST PACKAGING	§	
SOLUTIONS,	§	
Defendant.	§	

**ORDER DENYING
MOTION FOR SUMMARY JUDGMENT**

Plaintiff Josephine Reed brings claims for age, race, and sex discrimination leading to what she claims was the improper termination of her employment. She also brings a claim for retaliation under Title VII. Dkt 4.

The motion by Defendant Ernest Packaging Solutions seeking summary judgment is DENIED. Dkt 36.

Genuine disputes of material fact plainly preclude summary judgment. Among other things, the parties dispute (i) whether individuals alleged to have made discriminatory comments had the authority to fire Reed; (ii) whether these individuals in fact made such comments; (iii) whether Reed had additional leave available on the date that she was fired; (iv) whether she was qualified to work on that date; and (v) whether she was replaced by someone outside of her protected class or otherwise appears to have been fired because of her age, race, and sex. Reed has mustered at least some evidence to support each of her contentions.

Beyond this, the Court notes that Ernest Packaging was specifically ordered after the initial conference to

“promptly complete witness interviews and file an amended answer to specify scope of disagreement (or lack of knowledge) with respect to the detailed allegations in Plaintiff Josephine Reed’s complaint.” Dkt 17. It didn’t comply. See Dkt 39 at 5. Perhaps there’s some explanation. But on the present record, Ernest Packaging has failed to abide by an express order of this Court.

Reed may consider what relief, if any, is believed appropriate for Ernest Packaging’s failure to comply. But if supportable in good faith, relief might include (i) motion to strike the answer and defenses of Ernest Packaging, and/or (ii) motion for sanctions under Rule 11(b) of the Federal Rules of Civil Procedure as to whether “an inquiry reasonable under the circumstances” has occurred as ordered by this Court, especially insofar as it pertains to the obligations attendant upon Rule 11(b)(3) and (b)(4).


Reed is ORDERED to file any motion as to potential relief by July 10, 2023.

The parties are further ORDERED (i) to confer as to the potential for settlement in this action, and (ii) to file a joint status report in that regard on July 10, 2023.

Pretrial deadlines and docket call remain ABATED. Docket call will be reset, if necessary, after resolution of any motion brought by the July 10th deadline.

SO ORDERED.

Signed on June 14, 2023, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge